



# **Waganakising Odawak**

Little Traverse Bay Bands of Odawa Indians  
**Regina Gasco -Bentley, Tribal Chairperson**  
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May 8, 2018

Re: Veto of Gaming Authority Statute

I am vetoing this statute as it was not posted for the 25-day public comment period. A version was posted on 1-16-18 that delegated Tribal Council to sit on the Gaming Authority then a second version was posted on 3-26 -18 that was quite different from the posting in January the legislation was then passed by the Tribal Council on April 7<sup>th</sup>. The version that has been submitted to my office does not resemble either of the posted and does have quite a bit of substantive changes to the statute. Clearly the intent for a timeline with public comment is so public comment can be received and we provide transparency in our government for citizens. When I look to our constitution and to the duties of the Tribal Chairperson one of the duties that is pretty clear is to receive, prepare and submit nominations to the Tribal Council for consideration for the appointed positions set out in this Constitution or future Tribal Statute. When Tribal council usurps the duties of the Tribal Chairperson we are not following the constitution as stated in our Oaths of office.

## **Separation of Powers Issues**

I am concerned that in Section II and Section VI the Gaming Authority is referred to as "a subordinate entity of Tribal Council". Article VII (D) (24) of the Constitution makes clear that Tribal Council has the power to provide by statute for the management of economic enterprises of LTBB. It further reads that "Such statutes will delegate management responsibilities to the Tribally Chartered Corporations, subordinate entity or to the Executive Branch." I agree that the GEB is a subordinate Tribal Entity as described under article VII (D) (24). However, to call it a "subordinate entity of the Tribal Council" is misleading because it infers that the GEB is overseen by Tribal Council when in fact it is the Tribal Chairperson's constitutional duty to oversee the GEB under Article VII (C) (5). This constitutional provision states that the Tribal Chairperson has the power and duty "to oversee all Tribal Executive departments, boards, commissions, and committees created by the Tribal Council."

Therefore, because of the usurpation of the Executive's constitutional duties and powers to oversee all Executive departments boards, commissions, and committees created by the Tribal Council, I must veto this legislation.

Our office did receive comments on the legislation and a memo from the current GEB I have attached it to this veto statement.

Respectfully submitted,

*Regina Gasco-Bentley*  
Tribal Chairperson